

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO.: 1:07CR236 |
| |) | |
| Plaintiff, |) | JUDGE DONALD C. NUGENT |
| |) | |
| v. |) | |
| |) | |
| DARRYL WOODALL, |) | MEMORANDUM OPINION |
| |) | AND ORDER |
| Defendant. |) | |

This matter comes before the Court upon the Motion of the Defendant Darryl Woodall for a Sentence Reduction Pursuant to 18 U.S.C. § 3582(c). In 2012, this Court found Defendant in violation of his conditions of supervised released and sentenced him to 12 months of incarceration to run consecutive to his state sentence. On May 12, 2014 Defendant filed a motion requesting the court to have his 12 month sentence run concurrent with his 3 year state sentence. Defendant has cited his positive behavior and family need for his reasons for reduction. However, § 3582(c) provides that the court may only modify an imposed term of imprisonment in three instances: on motion from the Director of the Bureau of Prisons; to reflect a post sentencing reduction in the applicable sentencing guidelines; and to the extent expressly permitted by Rule 35 of the Federal Rules of Criminal Procedure.

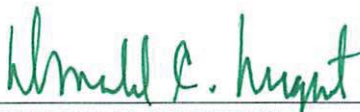
In regards to §3582(c)(1)(A), the court has not received a motion from the Director of the Bureau of Prisons and therefore the provision does not apply to the Defendant in this case. §3582(c)(1)(B) allows reduction pursuant to Rule 35 of Federal Rules of Criminal Procedure. However, since this correction would not be within 14 days after sentencing, and given no

given no evidence that Defendant has provided “substantial assistance” to the government, reduction cannot be permitted pursuant Fed. R. Crim. P. 35(a)-(b). Finally, the court may modify a sentence “to reflect a post-sentence reduction in the applicable sentencing guidelines.”

United States v. Morris, 116 F. 3d at 504 (citing 18 U.S.C. §3582(c)(2)). No evidence has been provided indicating a change in the Defendant’s applicable sentencing guidelines. Thus, a reduction based on 18 U.S.C. §3582(c)(2) is not applicable in this case.

Defendant has provided no basis to reduce his sentence in order to have it run concurrent to the state sentence. For the foregoing reasons, the Defendant’s Motion for Reduction of Sentence is DENIED.

IT IS SO ORDERED



DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

Dated: _____

